

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIAM ZANTELO

Plaintiff,

CIVIL ACTION NO. 06-CV-10745-DT

vs.

DISTRICT JUDGE JULIAN ABELE COOK

SHELBY TOWNSHIP,  
et al,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER GRANTING IN PART, HOLDING IN ABEYANCE IN PART  
AND DENYING IN PART PLAINTIFF'S MOTION TO COMPEL (DOCKET # 14)**

On July 27, 2006 Plaintiff filed a Motion to Compel Discovery (Docket # 14), seeking an order to compel responses to his First Request for Production of Documents. Defendants responded to Plaintiff's motion. District Court Judge Julian Abele Cook referred said motion to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). All parties appeared through counsel for oral arguments on October 16, 2006. This motion is now before this Court.

\* \* \* \* \*

Plaintiff seeks an order compelling Defendants to respond his First Request for Production of Documents. Specifically, Plaintiff seeks responses to his Requests for Production of Documents numbers 2, 10, 12, and 13. Defendants contend that they either properly responded or objected to these Requests.

As to Plaintiff's Request number 2, Plaintiff seeks "any and all" citizen complaints filed against Defendants Underwood, Phelps and Francis for their entire length of employment. Defendants argue that this Request is irrelevant as to Defendant Francis and is otherwise overly broad and unduly burdensome.

As to Plaintiff's Request number 10, Plaintiff seeks the complete personnel files of Defendants Underwood, Phelps and Francis. Defendants assert that this Request is irrelevant as to Defendant Francis, is overly broad, and seeks privileged/confidential information.

As to Plaintiff's Requests numbers 12 and 13, the parties informed the Court at the October 16, 2006 hearing that they have resolved their dispute as to these Requests.

Based upon the parties' pleadings and arguments at the hearing, the Court **GRANTS IN PART, HOLDS IN ABEYANCE IN PART, AND DENIES IN PART** Plaintiff's Motion to Compel (Docket # 14) for the reasons stated on the record at the October 16, 2006 hearing.

The Court **GRANTS** Plaintiff's Motion to Compel as to his Request for Production of Documents number 2 as limited to the following:

1. Defendants are **ORDERED** to provide to Plaintiff any citizen complaints filed against Defendants Underwood and Phelps within the past 10 years that allege excessive force and/or assault and battery. Defendants will produce these documents to Plaintiff **on or before November 16, 2006**.

The Court further **GRANTS IN PART and HOLDS IN ABEYANCE IN PART** Plaintiff's Motion to Compel as to his Request for Production of Documents number 10 in a manner consistent with the following:

1. The parties are **ORDERED** to file a proposed, mutually agreed upon protective order **on or before October 30, 2006**.
2. Defendants are **ORDERED** to produce **on or before November 16, 2006**:
  - a. To Plaintiff:
    - i. any documents within the personnel files of Defendants Underwood and Phelps that involve allegations, whether founded or unfounded, of malicious prosecution, false arrest, assault/battery, and/or excessive force within the past 10 years.

- ii. The parties agree that Defendants may redact from said documents any personal information such as social security numbers, dates of birth, family names, and addresses.
- b. To this Court:
  - i. any documents within the personnel files of Defendant Francis that involve founded or unfounded allegations of malicious prosecution, false arrest, assault/battery, and/or excessive force made within the past 10 years; and
  - ii. any documents within the personnel files of Defendants Francis, Underwood and Phelps over which Defendants assert a privilege relating to undercover assignments, open investigations, confidential sources or the deliberate process of supervisory officials.
  - iii. The Court will review the received documents, if any, *in camera* to determine if they are relevant or otherwise privileged.

The Court further **DENIES** as moot Plaintiff's Motion to Compel as to Plaintiff's Request for Production of Documents numbers 12 and 13.

**IT IS SO ORDERED.**

**Notice to the Parties**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: October 24, 2006

s/ Mona K. Majzoub  
**MONA K. MAJZOUB**  
**UNITED STATES MAGISTRATE JUDGE**

**PROOF OF SERVICE**

I hereby certify that a copy of this order was served upon Counsel of Record on  
this date.

Dated: October 24, 2006

s/ Lisa C. Bartlett  
**Courtroom Deputy**